

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rose Lantigua (S14)	Team: Squad #14	CCRB Case #: 201705401	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 07/02/2017 8:00 PM	Location of Incident: 94th Precinct stationhouse	Precinct: 94	18 Mo. SOL 1/2/2019	EO SOL 1/2/2019	
Date/Time CV Reported Wed, 07/05/2017 12:04 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/05/2017 12:04 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Brian Murphy	30790	906891	PBQ/N
2. SGT Ayanna Harrison	00796	926931	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brian Murphy	Discourtesy: Police Officer Brian Murphy spoke discourteously to § 87(2)(b) and § 87(2)(b)	
B.SGT Ayanna Harrison	Abuse: Sergeant Ayanna Harrison did not process § 87(2)(b)s and § 87(2)(b)s complaint regarding an officer.	

Case Summary

On July 5, 2017, § 87(2)(b) filed this complaint via the CCRB's Call Processing System.

On July 2, 2017, at approximately 8:00 p.m., § 87(2)(b) went the 94th Precinct stationhouse pursuant to a court order mandating that he release his son, Noah § 87(2)(b) to the custody of his ex-wife. § 87(2)(b)'s girlfriend, § 87(2)(b) was present with § 87(2)(b) Police Officer Brian Murphy of Patrol Borough Queens North approached § 87(2)(b) outside of the stationhouse and initiated a conversation about § 87(2)(b)'s court order. § 87(2)(b) declined PO Murphy's advice and in response, PO Murphy either called § 87(2)(b) an "asshole" or "jerkoff" (**Allegation A**).

§ 87(2)(b) entered the stationhouse and told Sgt. Ayanna Harrison of the 84th Precinct that he wished to file a complaint against PO Murphy. Sgt. Harrison did not process § 87(2)(b)'s complaint regarding PO Murphy (**Allegation B**).

No summonses or arrests resulted from this incident.

There is no video evidence in this case.

This case was delayed due to difficulties scheduling § 87(2)(b) for her CCRB interview (see IAs).

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- As of October 30, 2017, § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the New York City Comptroller's Office regarding this incident (Board Review 01).
- § 87(2)(b)
- § 87(2)(b) has not been criminally convicted of a crime in New York City (Board Review 03).

Civilian and Officer CCRB Histories

- This is § 87(2)(b) and § 87(2)(b)'s first CCRB complaint (Board Review 04, Board Review 05).
- PO Murphy, a 24-year-member-of-service, has five prior CCRB complaints filed against him with a total of 10 allegations, two of which were substantiated. In case number 200511851, a discourtesy allegation and a refusal to provide name and shield allegation were substantiated and PO Murphy was served with charges, but the NYPD dismissed the case. In case numbers 200606559 and 200716315, two discourteous language allegations were unsubstantiated. In case number 201001565, a discourtesy allegation was truncated (see officer history).
- This is the first CCRB complaint filed against Sgt. Harrison, a 17-year-member-of-service (see officer history).

Findings and Recommendations

Allegation A–Discourtesy: Police Officer Brian Murphy spoke discourteously to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) said that PO Murphy asked him whether his name was § 87(2)(b) as he waited for his ex-wife outside of the stationhouse. § 87(2)(b) confirmed his identity. PO Murphy told § 87(2)(b) to have more respect for his son and instructed § 87(2)(b) to be punctual. § 87(2)(b) thanked PO Murphy for his concern, said he was aware of his custody order, which was being handled by lawyers, that he could handle the situation from there, and that he was aware of his rights. PO Murphy allegedly called § 87(2)(b) an “asshole” or “jerkoff,” but § 87(2)(b) could not recall which word was used. § 87(2)(b) did not respond. PO Murphy told § 87(2)(b) that he was not going to gain custody of his son, that his son would be taken away, and that § 87(2)(b) was not a worthy father (Board Review 06).

§ 87(2)(b) later entered the stationhouse with § 87(2)(b) and encountered PO Murphy at the front desk. § 87(2)(b) requested to speak to a supervisor to file a complaint about PO Murphy. Sgt. Harrison approached § 87(2)(b) and asked for the details of his complaint. § 87(2)(b) told Sgt. Harrison that PO Murphy called him an “asshole.” Hearing this, PO Murphy allegedly said, “I didn’t call him an asshole. I called him a jerkoff.”

§ 87(2)(b)’s testimony was generally consistent with § 87(2)(b)’s testimony, but she alleged that PO Murphy’s exact words were, “Well, now I understand why you’re going to have your son taken away from you. And now I understand why you’re such an asshole.” § 87(2)(b) alleged that PO Murphy also called § 87(2)(b) an “asshole” as PO Murphy reentered the stationhouse, although § 87(2)(b) did not allege this. § 87(2)(b) initially said that PO Murphy did not use profanity inside of the stationhouse, but when specifically asked whether PO Murphy said, “I didn’t call him an asshole, I called him a jerkoff,” § 87(2)(b) recalled that PO Murphy allegedly responded, “I didn’t call him an asshole, I called him a dickhead” (Board Review 07).

PO Murphy’s testimony was generally consistent with § 87(2)(b)’s and § 87(2)(b)’s accounts of the incident. PO Murphy said that § 87(2)(b) seemed agitated that PO Murphy involved himself in their situation. PO Murphy denied that he referred to § 87(2)(b) by any name other than his own, but acknowledged telling § 87(2)(b) “I don’t have any issues here. I’m just trying to talk to him. There’s no reason for him to treat me like a jackass. That’s not right. I didn’t get involved in this thing to be a nuisance in any way.” Inside of the stationhouse, when § 87(2)(b) told Sgt. Harrison that PO Murphy called him an asshole, PO Murphy told § 87(2)(b) that he had actually told § 87(2)(b) “There was no reason to treat me like a jackass.” Although PO Murphy acknowledged using the word “jackass” during this incident, he denied that this constituted profanity. He denied using profanity during this incident (Board Review 08).

Sgt. Harrison denied that § 87(2)(b) said that he interacted with PO Murphy outside of the stationhouse and that § 87(2)(b) entered the stationhouse to file a complaint against PO Murphy for referring to him as an “asshole” or “jerkoff.” Sgt. Murphy denied that she overheard PO Murphy say, “I didn’t call him an asshole. I called him a jerkoff” (Board Review 09).

According to NYPD Patrol Guide, Procedure 203-09, a member of service must be courteous and respectful when interacting with the public (Board Review 10).

§ 87(2)(g)

Allegation B –Abuse of Authority: Sergeant Ayanna Harrison did not process § 87(2)(b) s and § 87(2)(b) s complaint regarding an officer.

§ 87(2)(b) said that when he asked PO Murphy to speak to a supervisor to file a complaint against him, Sgt. Harrison was sitting at the front desk of the stationhouse next to PO Murphy. She approached § 87(2)(b) for details regarding his complaint. § 87(2)(b) told Sgt. Harrison that he wished to file a complaint against PO Murphy for calling him “asshole” in front of his son. Sgt. Harrison agreed to take § 87(2)(b) s complaint and returned to her computer. Sgt. Harrison later approached § 87(2)(b) and gave him a piece of paper with the CCRB’s phone number. § 87(2)(b) asked Sgt. Harrison if she generated the complaint or if he had to call the CCRB to do so and Sgt. Harrison said that she filed the complaint for § 87(2)(b) and instructed him to call the CCRB to obtain his complaint number.

§ 87(2)(b) said that she entered the 94th Precinct stationhouse alone and requested to speak with Sgt. Harrison. § 87(2)(b) asked Sgt. Harrison to assist her in filing a complaint because PO Murphy “misconducted being a police officer.” § 87(2)(b) entered the stationhouse as § 87(2)(b) was providing details of the complaint to Sgt. Harrison. Sgt. Harrison said she would file the complaint, but noted that it might not be tended to until after the holiday weekend. § 87(2)(b) requested Sgt. Harrison’s name, shield number, and a phone number she could call to verify that the complaint was filed. Sgt. Harrison verbally provided her shield number and handed § 87(2)(b) a piece of paper with the CCRB’s phone number.

Sgt. Harrison said that § 87(2)(b) came to the stationhouse to file a complaint against officers who responded to a 911 call he had placed prior to this incident because those officers did not generate a report for him against his ex-wife. Sgt. Harrison did not recall whether she agreed to file a CCRB complaint for § 87(2)(b) or whether she provided him with the CCRB’s phone number.

PO Murphy acknowledged that § 87(2)(b) told Sgt. Harrison that he wanted to file a complaint against PO Murphy because PO Murphy had allegedly called him “an asshole.” PO Murphy said that Sgt. Harrison agreed to take § 87(2)(b) s complaint, but he could not recall whether Sgt. Harrison and § 87(2)(b) specifically spoke about the CCRB.

According to the 84th Precinct Command Log, at the time Sgt. Harrison was present at the front desk, an entry was made noting that § 87(2)(b) was present at the stationhouse regarding a complaint against PO Murphy, that the CCRB’s phone number was provided to § 87(2)(b) and that the complainant “will call” (Board Review 11).

According to NYPD Patrol Guide, Procedure 207-31, a member of service receiving a complaint must record and initiate the investigation of complaints from civilians alleging misconduct by

uniformed members of service, and report all misconduct complaints including discourtesy allegations to the Civilian Complaint Review Board Intake Unit (Board Review 12).

§ 87(2)(g)

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Squad: 14

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date